



Commonwealth of Massachusetts  
Executive Office of Energy and Environmental Affairs

## Department of Environmental Protection

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Commissioner

### PUBLIC HEARING NOTICE

This Public Hearing Notice is available in alternative languages (Español -- Tiếng Việt -- Chinese -- Kreyòl Ayisyen -- Português) on MassDEP's website at: <https://www.mass.gov/service-details/massdep-public-hearings-comment-opportunities>.

Notice is hereby given that the Massachusetts Department of Environmental Protection (MassDEP), under its authority pursuant to M.G.L. Chapter 21, §27, is proposing amendments to 314 CMR 4.00, the Massachusetts Surface Water Quality Standards (MA SWQS). The amendments will update bacteria criteria to protect human health during recreational activities such as boating, remove unused surface water classifications, and make minor improvements and corrections. Two public hearings to receive comments on the proposed amendments will be held virtually under the provisions of M.G.L. Chapter 30A on:

Tuesday, January 27, 2026, at 6:00 PM; and  
Wednesday, January 28, 2026, at 2:00 PM.

Advance registration to attend the hearings is required. At each hearing, an overview will be presented during the first hour, followed by testimony.

Testimony may be presented orally at the hearings, and written comments may be submitted until 5:00 PM on Monday, February 9, 2026. Written comments must be submitted via email or physical mail. Submit comments via email to [dep.wpp@mass.gov](mailto:dep.wpp@mass.gov) using the subject line: "Public Comments – Proposed MA SWQS Amendments". Submit comments by physical mail to: Anna Mayor, MassDEP Watershed Planning Program, 8 New Bond Street, Worcester, MA 01606.

The proposed amendments and the hearing registration links are available on MassDEP's MA SWQS website at: <https://www.mass.gov/regulations/314-CMR-4-the-massachusetts-surface-water-quality-standards>.

For special accommodation at these hearings, please call the EEA Diversity Office at 617-626-1282, TTY# MassRelay Service at 1-800-439-2370, and/or request accommodation upon registration for the hearing. This Notice is available in alternate format upon request. MassDEP provides language access interpreter/translation services to limited English proficient individuals free of charge. If you need an interpreter

to participate in this meeting, translation services can be found at the following link: <https://www.mass.gov/info-details/massdep-language-translation-assistance>. You can also request interpreter services or translation of the hearing when you register.

**Small Business Impact Statement**  
(As required by M.G.L. c. 30A §§ 2, 3 & 5)

**CMR No: 314 CMR 4.00**

**Estimate of the Number of Small Businesses Impacted by the Regulation: 387**

**Select Yes or No and Briefly Explain**

**• Will small businesses have to create, file, or issue additional reports?**

No. The proposed amendments update already existing criteria so they will not increase reporting requirements.

**• Will small businesses have to implement additional recordkeeping procedures?**

No. The proposed amendments update already existing criteria so they will not increase recordkeeping procedures.

**• Will small businesses have to provide additional administrative oversight?**

No. The proposed amendments update already existing criteria so they will not require increased administrative oversight.

**• Will small businesses have to hire additional employees in order to comply with the proposed regulation?**

No. The proposed amendments update already existing criteria so they will not increase staffing requirements.

**• Does compliance with the regulation require small businesses to hire other professionals (e.g. a lawyer, accountant, engineer, etc.)?**

Yes. This regulation sets standards for water quality and provides information on the application of these standards, which are implemented through other programs. These programs include the federal NPDES permit program administered by the EPA and MassDEP's SWDP program regulations. The proposed amendments update existing criteria. The regulated community may have concerns that the criteria updates could result in additional monitoring or changes to permit limits. EPA already requires permittees to monitor these parameters as part of their permits, and therefore MassDEP's adoption of the updated criteria will not significantly change those requirements.

**• Does the regulation require small businesses to purchase a product or make any other capital investments in order to comply with the regulation?**

No. This regulation sets standards for water quality and provides information on the application of these standards, which are implemented through other programs. These programs include the federal NPDES permit program administered by the EPA and MassDEP's SWDP program regulations. The proposed amendments update existing criteria. The regulated community may have concerns that the criteria changes could result in additional monitoring or changes to permit limits. EPA already requires permittees to monitor these parameters as part of their permits, and therefore MassDEP's adoption of the updated criteria will not significantly change those requirements.

**• Are performance standards more appropriate than design/operational standards to accomplish the regulatory objective? (Performance standards express requirements in terms of outcomes, giving the**

**regulated party flexibility to achieve regulatory objectives and design/operational standards specify exactly what actions regulated parties must take.)**

Yes. This regulation is based on performance standards; it does not dictate how standards are to be met.

- **Do any other regulations duplicate or conflict with the proposed regulation?**  
No other regulations duplicate or conflict with this regulation.
- **Does the regulation require small businesses to cooperate with audits, inspections or other regulatory enforcement activities?**  
No. This regulation sets standards for water quality and provides information on the application of these standards, which are implemented through other regulatory programs.
- **Does the regulation require small businesses to provide educational services to keep up to date with regulatory requirements?**  
No. This regulation sets standards for water quality and provides information on the application of these standards, which are implemented through other regulatory programs.
- **Is the regulation likely to *deter* the formation of small businesses in Massachusetts?**  
No. This regulation is not likely to deter the formation of small businesses in Massachusetts.
- **Is the regulation likely to *encourage* the formation of small businesses in Massachusetts?**  
No. This regulation is not likely to encourage the formation of small businesses in Massachusetts.
- **Does the regulation provide for less stringent compliance or reporting requirements for small businesses?**  
No. This regulation sets standards for water quality and provides information on the application of these standards, which are implemented through other regulatory programs.
- **Does the regulation establish less stringent schedules or deadlines for compliance or reporting requirements for small businesses?**  
No. This regulation sets standards for water quality and provides information on the application of these standards, which are implemented through other regulatory programs.
- **Did the agency consolidate or simplify compliance or reporting requirements for small businesses?**  
No. The regulation is based on performance standards. The proposed amendments streamline and clarify the regulation increasing ease of use and likelihood of compliance.
- **Can performance standards for small businesses replace design or operational standards without hindering delivery of the regulatory objective?**  
No. The regulation is based on performance standards.
- **Are there alternative regulatory methods that would minimize the adverse impact on small businesses?**  
No. No, there are no alternative regulatory methods.